



Warringah Council

COMMERCIAL OCCUPATION/ADDITIONS/SIGNAGE/CHANGE OF USE

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Michael Edwards

Proposal Description: Alterations to a shop frontage & signage

Property Address: Lot 1, DP 9900, Shop 1, 874 Pittwater Road DEE WHY

Application No: DA2009/0573

| Report Section | Applicable | Complete & Attached |
|---------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| Section 1 – Code Assessment | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 2 – Issues Assessment | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Section 2A – SEPP 64 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 2B – Schedule 17 Car parking | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 3 – Site Inspection Analysis | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 4 – Application Determination | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

HISTORY AND BACKGROUND

Shop 1 (the subject site) is currently vacant and was previously used as a beauty shop.

This application relates to the alteration to the shop frontage and the installation of new signage. The change of use of the existing building is not proposed as part of this application.

APPLICATION PLANS

| Drawing No. | Title | Rev. | Date | Drawn By |
|-------------|---------------------------------|------|------------|---------------|
| DA01 | Part Site and Ground Floor Plan | - | April 2009 | Sammy Fedeale |
| DA02 | Elevations & Section B | - | April 2009 | Sammy Fedeale |

Estimated Cost of Works: \$5000.00

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☐ Yes ☒ No

No. of Submissions: 0



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Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: E9 Pittwater Road

Development Definition: ☐ Housing ☐ Ancillary Development to Housing ☒ Shop

Shop means a building or place used for the purpose of display or sale, whether by retail or by auction, of items (whether goods, materials or services), but does not include a building or place elsewhere defined in this (the) Dictionary.

Category of Development: ☒ Category 1 ☐ Category 2 ☐ Category 3

Desired Future Character:

'The future development of the Pittwater Road locality will reinforce the town centre as the focus of regional activity on the Warringah corridor. This will be reflected in the treatment of public spaces, the arrangement of land uses and the scale and intensity of development.'

Entry into the town centre will be marked by a building at the southern corner of the intersection of Dee Why Parade and Pittwater Road. The scale and architectural treatment of this building will distinguish it from other buildings and define the edge of the town centre.

The locality will be the focus of office activity and will incorporate a mix of land uses including business uses such as shops, offices, restaurants and cafes at ground floor level with offices and housing on upper floors. The design of buildings is to facilitate the adaptation of upper storey premises for residential or office uses.

Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as comfortable, interesting and safe. In particular, future development is to ensure that a 4 storey podium adjoins the sidewalk and establishes a coherent parapet line along Pittwater Road. Above the parapet line additional storeys are to be set back to maintain solar access to the sidewalks and ensure that the scale of buildings does not dominate public spaces. Building facades are to be articulated in such a way that they are broken into smaller elements with strong vertical proportions and spaces created between buildings at the upper levels to add interest to the skyline, reduce the mass of buildings and facilitate the sharing of views and sunlight.

The overall height of buildings is to be such that long distance views of Long Reef Headland, the top of the escarpment to the west of Pittwater Road and the Norfolk Island Pines next to Dee Why Beach are preserved.

Building layout and access are to be in accordance with Map E available at the office of the Council such that shared laneways are established to ensure there is no vehicle access directly from Pittwater Road and the spaces behind buildings combine to form central courts with vehicle access limited to a restricted number of places generally in the locations shown on Map E.

Site amalgamation will be encouraged to facilitate new development and enable all carparking to be provided below ground or behind buildings using shared driveways where possible.'

☒ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☒ Yes ☐ No



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- ☐ Category 1 Development with variations to BFC's (Section 2 Assessment Required)
- ☐ Category 2 Development Consistency Test (Section 2 Assessment Required)
- ☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

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| <p>Building Height (overall):</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 8.5m</p> <p><input type="checkbox"/> 11.0m</p> <p><input type="checkbox"/> 6 storeys / 24m</p> | <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Minimum Floor to Ceiling Height:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 7.2m</p> <p><input checked="" type="checkbox"/> Ground Floor Storey: 3.6m Upper Storeys: 2.7m</p> | <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Build-to-lines:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 5m from the kerb for the first 4 storeys</p> <p><input type="checkbox"/> 9m from the kerb for storeys above the fourth storey.</p> | <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |

General Principles of Development Control:

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| <p>CL38 Glare & reflections</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL39 Local retail centres</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL40 Housing for Older People and People with Disabilities</p> <p>Applicable:</p> | <p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |



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| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Conditions of consent have been imposed with regards to the construction phase of the development including hours of construction, noise generation and any removal of construction related rubbish. |
| CL43 Noise Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL44 Pollutants Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL47 Flood Affected Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL48 Potentially Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the site suitable for the proposed land use? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL49a Acid Sulfate Soils Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |



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| <p>CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL51 Front Fences and Walls Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL53 Signs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>The following assessment is undertaken with regard to the relevant sections of the General Principle:</p> <p>The number, size, shape, extent, placement and content of signs are to be limited to the extent necessary to:</p> <ul style="list-style-type: none"> • allow the reasonable identification of the land use, business, activity or building to which the sign relates, <p>The proposed signage achieves an appropriate level of identification for the site without significantly impacting on the amenity of the locality.</p> <ul style="list-style-type: none"> • ensure that the sign is compatible with the design, scale and architectural character of the building or site upon which it is to be placed, <p>The location and size of the proposed signage is considered to be compatible with the scale, proportion and other characteristics of the site and building.</p> <ul style="list-style-type: none"> • ensure that the sign does not dominate or obscure other signs or result in visual clutter. <p>There is existing signage associated with the adjoining buildings within the vicinity of the proposed signage. The proposed signage is considered to be appropriately sized and located so as to not dominate or obscure the existing adjoining signage.</p> <ul style="list-style-type: none"> • ensure that the sign does not endanger the public or diminish the amenity of nearby properties. <p>Due to the location of the proposed signage there will be no adverse impact upon the safety for any public road, pedestrians or bicyclists, the signage will not result in the obscuring of any views and does not have an unreasonable visual impact on the adjoining or nearby properties.</p> <p><u>Numerical Controls Above Awning Signs</u></p> |



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| | <p>Control Complies 1m² / 5m of frontage Maximum 4m²</p> <p>Proposed 0.0m² (Total Signage)</p> <p><u>Numerical Controls Below Awning Signs</u></p> <p>Control Complies 1m² / 4m of frontage Maximum 5m²</p> <p>Proposed 8.5m² (Street Number)</p> <p>Although the proposed signage exceeds the maximum allowable 'below awning' area, the signage is considered consistent with the adjoining buildings.</p> <p>Further, as the roof form over the pedestrian pathway does not provide for the typical fascia sign, it is considered that the proposed signage above the fenestration has a similar presentation to the street-front as fascia signage on adjoining buildings do. In this regard, the proposed signage is considered satisfactory.</p> <p>It should also be noted that conditions of consent are to be imposed requiring the removal of all superfluous signage from the site. This contributes to the signage amalgamation and upgrade of the site overall.</p> |
| <p>CL54 Provision and Location of Utility Services Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL55 Site Consolidation in 'Medium Density Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL56 Retaining Unique Environmental Features on Site Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL57 Development on Sloping Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL58 Protection of Existing Flora Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |
| <p>CL59 Koala Habitat Protection Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> |



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| CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL61 Views Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL62 Access to sunlight Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL63 Landscaped Open Space Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL63A Rear Building Setback Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL64 Private open space Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL65 Privacy Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL67 Roofs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL68 Conservation of Energy and Water Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL71 Parking facilities (visual impact) | Complies: |



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| Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL72 Traffic access & safety Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL74 Provision of Carparking Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL75 Design of Carparking Areas Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL76 Management of Stormwater Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL77 Landfill Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL78 Erosion & Sedimentation Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL81 Notice to Heritage Council Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL82 Development in the Vicinity of Heritage Items Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No The subject site is located opposite the Commonwealth Bank building which is identified as an item of local heritage significance under WLEP 2000. Given the minor nature of the works and the fact that there is approximately 30.0m between the subject site and the |



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| | heritage listed building, there will be no unreasonable visual impact to the heritage item and its immediate setting. |
| CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

Schedules:

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| Schedule 5 State policies Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 6 Preservation of bushland Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 7 Matters for consideration in a subdivision of land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 8 Site analysis Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 9 Notification requirements for remediation work Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 10 Traffic generating development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 11 Koala feed tree species and plans of management Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 12 Requirements for complying development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 14 Guiding principles for | Complies: |



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| development near Middle Harbour Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 15 Statement of environmental effects Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| Schedule 17 Carparking provision Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No There is no alteration to the existing provision of parking associated with the subject site. Further, as the application does not propose any change of use, there will be no required additional provision of carparking for the subject site. |

EPA Regulation Considerations:

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| Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further | |
| Clause 92 (Demolition of Structures) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further | Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 93 & 94 (Fire Safety) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further BCA report supplied? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further Assessment Required |
| Clause 98 (BCA) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Is a Construction Certificate required? Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further (BCA Assessment Required see Section 2) | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Disability & Discrimination Act Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Amended plans required |
| Is a POPE (Place of Public Entertainment required?) | Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No |



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☐ Yes ☒ No ☐ DAO to investigate further

REFERRALS

| Referral Body/Officer | Required | Response |
|----------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Engineering | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Landscape Assessment | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Bushland Management | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Catchment Management | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Aboriginal Heritage | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Env. Health and Protection | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| NSW Rural Fire Service | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |
| Energy Australia | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory |



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Applicable Legislation/ EPI's /Policies:

- ☒ EPA Act 1979
- ☒ EPA Regulations 2000
- ☒ Disability Discrimination Act 1992
- ☐ Local Government Act 1993
- ☐ Roads Act 1993
- ☐ Rural Fires Act 1997
- ☐ RFI Act 1948
- ☐ Water Management Act 2000
- ☐ Water Act 1912
- ☐ Swimming Pools Act 1992;
- ☐ SEPP No. 55 – Remediation of Land
- ☐ SEPP No. 71 – Coastal Protection
- ☐ SEPP No. 22 Shops & Commercial Premises
- ☐ SEPP No. 64 – Advertising & Signage
- ☐ SEPP Infrastructure
- ☐ SEPP BASIX
- ☒ WLEP 2000
- ☒ WDCP
- ☐ S94 Development Contributions Plan
- ☐ S94A Development Contributions Plan
- ☐ NSW Coastal Policy (cl 92 EPA Regulation)



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SECTION 79C EPA ACT 1979

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| Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (c) – Is the site suitable for the development? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (e) – Is the proposal in the public interest? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

OTHER MATTERS FOR FURTHER CONSIDERATION:

Section 2A - SEPP No. 64 – Advertising and Signage

Is SEPP 64 Applicable to the proposal? ☐ Yes ☒ No



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 510.3sqm

Detail existing onsite structures:

- ☐ None
- ☐ Dwelling
- ☐ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☒ Shop

Site Features:

- ☒ None
- ☐ Trees
- ☐ Under Storey Vegetation
- ☐ Rock Outcrops
- ☐ Caves
- ☐ Overhangs
- ☐ Waterfalls

- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

- ☐ North / South
- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East

View of:

- Ocean / Waterways ☐ Yes ☐ No
- Headland ☐ Yes ☐ No
- District Views ☐ Yes ☐ No
- Bushland ☐ Yes ☐ No
- Other:



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Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☐ Yes ☒ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

☐ Yes ☒ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

Is the site owned or is the DA made by the "Crown"?

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☒ Yes ☐ No

Does the proposal impact upon any easements / Rights of Way?

☐ Yes ☒ No



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Site Inspection / Desktop Assessment Undertaken by:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes provide detail: |

Signed

Date 7 July 2009

Michael Edwards, Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- ☒ Satisfactory
☐ Unsatisfactory

Recommendation:

That Council as the consent authority

- ☒ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation
- ☐ **GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
 - (b) limit the deferred commencement condition time frame to 3 years;
 - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
 - (d) the consent lapsing within three (3) from operation



REFUSE development consent to the development application subject to:

- (a) the reasons detailed within the associated notice of determination.

Signed _____ Date 7 July 2009

Michael Edwards, Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date 7 July 2009

Steve Findlay, Team Leader, Development Assessment